

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JOE HENRY SCOTT, III, #258485,

:

Plaintiff,

:

vs.

: CIVIL ACTION 09-0607-CG-N

CORRECTIONAL MEDICAL SERVICES, :  
et al.,

:

Defendants.

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation recommending the dismissal of this action, this Order adopting the Report and Recommendation, and the Judgment dismissing this action.

**DONE and ORDERED** this 11<sup>th</sup> day of December, 2009.

/s/ Callie V. S. Granade

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CHIEF UNITED STATES DISTRICT JUDGE